

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9348 of 2020**

- Ratnesh Jaiswal, S/o Late Ramesh Kumar, aged about 52 Years, R/o Gurudev Nagar, Behind Bachpan School, Police Station Civil Line, District Bilaspur Chhattisgarh.

----Applicant

**Versus**

- State of Chhattisgarh, Through the Station House Officer Police Station Civil Lines, District Bilaspur Chhattisgarh.

----Non-applicant

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|---------------|-----------------------------------|
| For Applicant | Mr. Amit Kumar, Advocate.         |
| For State     | Dr. (Ms.) Veena Nair, Deputy A.G. |
| For Objector  | Mr. Achyut Tiwari, Advocate.      |

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**Hon'ble Shri Justice Gautam Chourdiya**  
**Order on Board**

**28/01/2021**

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 28.11.2020 in connection with Crime No.877/2020 registered at Police Station Civil Lines, District Bilaspur, C.G. for the offence punishable under Sections 420 & 120B of Indian Penal Code.
2. Allegation against the present applicant is that in the year 2012 he got an agreement fraudulently executed with complainant Isharani Mitra Gadewal for sale of land bearing Khasra No.316/34, admeasuring 1800 square feet of the complainant in favour of the applicant for a consideration of Rs.90 Lakhs and on the assurance that he would get a house constructed for her on the said land

costing Rs.20 Lakhs. However, the applicant did not give any amount to the complainant. Later on, the applicant sold some portion of the said land on higher price in the year 2017. Thus, the applicant by cheating the complainant fraudulently got the land belonging to the complainant registered in his name and thereby committed the offence under Sections 420 and 120B of IPC.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant and complainant party are ready to execute an agreement for settlement of the dispute and draft of that agreement is produced before this Court as Annexure- I/1. He also submits that the applicant is in jail since 28.11.2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State submits that if the applicant is ready to comply with the terms and conditions mentioned in the agreement (Annexure- I/1), she has no objection to release the applicant on bail.
5. Learned counsel for the Objector submits that both the parties are ready to compromise and after release of the applicant from jail they will execute the agreement (Annexure- I/1) and he has no objection to release the applicant on bail.
6. Heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the detention

period of the applicant, the fact that charge sheet has already been filed, in particular the fact that both the parties are ready to compromise as contended by their counsel, the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, without expressing any opinion on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall not involve himself in any offence of similar nature in future.

It is made clear that the applicant after release on bail, shall abide by the terms and conditions mentioned in the agreement filed herein as Annexure- I/1.

Sd/-  
Gautam Chourdiya  
Judge